



CITY OF MEMPHIS

COUNCIL AGENDA

May 9, 2017

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

Any invocation that may be offered before the official start of the Council meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Council and do not necessarily represent the religious beliefs or views of the Council in part or as a whole. No member of the community is required to attend or participate in the invocation and such decision will have no impact on their right to actively participate in the business of the Council. Copies of the policy governing invocations and setting forth the procedure to have a volunteer deliver an invocation are available upon written request submitted to the Council Administrator of the Memphis City Council.

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (April 25, 2017)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS (None)

PUBLIC HEARINGS

1. RESOLUTION approving a Street and Alley Closure located on the east side of Lapaloma Street, containing +/-1.138 acres in the Residential Urban (RU-3) District. This resolution is sponsored by the Office of Planning and Development.
Colvett
Chairman,
Planning &
Zoning
Committee
Case No. SAC 17-01
Applicants: Thompson Court, LLC
Cindy Reaves, SR Consulting LLC – Representative
Request: To close a portion of Carver Avenue right-of-way

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

7 NOTICES WERE MAILED ON APRIL 28, 2017

2.
Colvett
Chairman,
Planning &
Zoning
Committee

RESOLUTION approving a Street and Alley Closure located on the east side of Lapaloma Street, containing, +/-0.746 acre in the Residential Urban (RU-3) District. This resolution is sponsored by the Office of Planning and Development.

Case No. SAC 17-02

Applicants: Thompson Court, LLC
Cindy Reaves, SR Consulting LLC – Representative

Request: To close a portion of Frisco Avenue right-of-way

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

7 NOTICES WERE MAILED ON APRIL 28, 2017

3.
Colvett
Chairman,
Planning &
Zoning
Committee

RESOLUTION approving a Street and Alley Closure located on the west side of Castalia Street, containing +/-1.345 acres in the Residential Urban (RU-3) District. This resolution is sponsored by the Office of Planning and Development.

Case No. SAC 17-03

Applicants: Thompson Court, LLC
Cindy Reaves, SR Consulting LLC – Representative

Request: To close a portion of Keltner Circle right-of-way

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

7 NOTICES WERE MAILED ON APRIL 28, 2017

4.
Colvett
Chairman,
Planning &
Zoning
Committee

RESOLUTION approving a Street and Alley Closure Located on the west of Danny Thomas, containing +/-0.29 acre in the Sports and Entertainment (SE) and South Downtown Residential (R-SD) District. This resolution is sponsored by the Office of Planning and Development.

Case No. SAC 17-04(A)

Applicants: Linden Hotels, Progressive Baptist Church & MDM Investments
John Perry, Kimley-Horn and Associates, Inc. – Representatives

Request: To close a portion of Pontotoc Avenue right-of-way between

Turley Street and Danny Thomas Blvd.

LUCB recommendation: APPROVAL

OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

41 NOTICES WERE MAILED ON APRIL 28, 2017

5.
Colvett
Chairman,
Planning &
Zoning
Committee

RESOLUTION approving a Street and Alley Closure Located on the west of Danny Thomas, containing +/-0.29 acre in the Sports and Entertainment (SE) and South Downtown Residential (R-SD) District. This resolution is sponsored by the Office of Planning and Development.

Case No. SAC 17-04(B)

Applicants: Linden Hotels, Progressive Baptist Church & MDM Investments
John Perry, Kimley-Horn and Associates, Inc. – Representatives

Request: To close a portion of an unnamed alley between 440 and 448
Vance Avenue.

LUCB recommendation: APPROVAL

OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

43 NOTICES WERE MAILED ON APRIL 28, 2017

DIVISION OF PLANNING AND DEVELOPMENT (None)

ZONING ORDINANCE-THIRD AND FINAL READING

6.
Colvett
Chairman,
Planning &
Zoning
Committee

ORDINANCE rezoning 3941 Prescott Road, containing 4.958 acres in the Residential Single Family (R-8) District, up for T H I R D and F I N A L reading. This ordinance is sponsored by the Office of Planning and Development.

Case No. Z 17-02

Ordinance No. 5642

Applicant: Bruce Young
Lance Lanier, Ledford Engineering and Planning – Representative

Request: Employment (EMP) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

21 NOTICES WERE MAILED ON APRIL 28, 2017



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CONSENT AGENDA

GENERAL ORDINANCES - FIRST READING

7. **ORDINANCE** to appropriate the proceeds of the tax levy on the assessed values on all properties of every species within the city limits for general purposes for the Fiscal Year July 1, 2017 through June 30, 2018, up for F I R S T reading. Ordinance No. 5647 is sponsored by the Finance Division.
- Ford
Chairman,
Budget
Committee

ACTION REQUESTED: Adopt the ordinance on First reading

8. **ORDINANCE** to fix the Tax Rate of the City of Memphis for Fiscal Year 2018, up for F I R S T reading. Ordinance No. 5648 is sponsored by the Finance Division.
- Ford
Chairman,
Budget
Committee

ACTION REQUESTED: Adopt the ordinance on First reading

9. **ORDINANCE** to amend City of Memphis, Code of Ordinances, Title 9, Section 9-56-11 to revise Solid Waste Fees for Collection and Disposal, up for F I R S T reading. Ordinance No. 5649 is sponsored by the Finance Division
- Ford
Chairman,
Budget
Committee

ACTION REQUESTED: Adopt the ordinance on First reading

10. **ORDINANCE** to amend Chapter 33, Article IV, Division III, Section 33-264 (D) of the City of Memphis Code of Ordinances to amend the Stormwater Fee, up for F I R S T reading. Ordinance No. 5650 is sponsored by Public Works.
- Ford
Chairman,
Budget
Committee

ACTION REQUESTED: Adopt the ordinance on First reading

11. **ORDINANCE** to amend Chapter 33, Article III, Section 33-131 (b) (e) and 33-156 (g) of the City of Memphis Code of Ordinances to amend the Sanitary Sewer Volumetric Fee, up for F I R S T reading. Ordinance No. 5651 is sponsored by Public Works.
- Ford
Chairman,
Budget
Committee

ACTION REQUESTED: Adopt the ordinance on First reading

GENERAL ORDINANCES - SECOND READING

12. **ORDINANCE** to amend Chapter 48, Code of Ordinances, City of Memphis, so as to clarify certain sections of Anti-Neglect and/or Dangerous, Derelict, Abandoned
- Hedgepeth

Chairman,
Public Works,
Transportation
& General
Services
Committee

Structures in Multi-Housing, Commercial, and Industrial Districts, Relating Specifically to the transfer of inspection responsibilities from the Division of Fire to the Division of Public Works so as to align with the current City of Memphis Anti-Neglect and Blight Abatement efforts and creating a procedure by which buyers and potential buyers of Derelict and/or Abandoned Single Family, Multi-Family, Commercial, and Industrial Properties can apply for a Waiver of Liens in favor of the City of Memphis associated with Fees and Penalties on the property, up for S E C O N D reading. Ordinance No. 5643 is sponsored by Councilman Morgan.

ACTION REQUESTED: Adopt the ordinance on Second reading

13.
Hedgepeth
Chairman,
Public Works,
Transportation &
General Services
Committee

JOINT ORDINANCE creating an Anti-Blight Grant Program in the City of Memphis and Shelby County for a three year trial period, up for S E C O N D reading. Ordinance No. 5644 is sponsored by Councilman Morgan.

ACTION REQUESTED: Adopt the ordinance on Second reading

14.
Colvett
Chairman,
Planning &
Zoning
Committee

JOINT ORDINANCE by the City of Memphis and the Board of County Commissioners of Shelby County, Tennessee creating a new Chapter 6-106 of the Memphis Code of Ordinances entitled Independent Residential Living Facilities and requiring that such facilities provide Life Safety Equipment in all Buildings, up for S E C O N D reading. Ordinance No. 5645 is sponsored by Councilman Brown and Councilwoman Robinson.

ACTION REQUESTED: Adopt the ordinance on Second reading

15.
Colvett
Chairman,
Planning
& Zoning
Committee

ORDINANCE adopting the Pinch District Concept Study to serve as a framework to guide growth within the Pinch District Neighborhood of the City of Memphis, up for S E C O N D reading. Ordinance No. 5646 is sponsored by the Office of Planning and Development.

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCE - FIRST READING (None)

ZONING ORDINANCE - SECOND READING (None)

ENGINEERING (None)

NOTATIONS FROM OPD

NOTATIONS from the Land Use Control Board that the following cases were heard and recommendation made requesting a date of public hearing:

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE:



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MLGW FISCAL CONSENT

16. RESOLUTION awarding a purchase order to Protect Plus, LLC, for the purchase of water filter pitchers and replacement cartridges, in the amount of \$225,120.00.
17. RESOLUTION awarding a purchase order to Summit Truck Group in the amount of \$1,847,478.00 and Tag Truck Center in the amount of \$65,780.00, for the purchase of 2-ton crew cab and chassis and 2-5 ton dump trucks.
18. RESOLUTION awarding a purchase order to Summit Truck Group, for 2 ton bucket trucks, in the amount of \$1,519,586.00.
19. RESOLUTION awarding Contract No.11944, Netter's Building ADA Renovations, to Albros Construction Services, LLC, in the funded amount of \$295,690.00.
20. RESOLUTION approving Change No. 3 to Contract No. 11676, Professional Engineering Services, with Allen & Hoshall, based on agreed upon rates, in the funded amount of \$225,000.00. (This change is to renew the current contract for the third of four annual renewal terms covering the period June 4, 2017 through June 3, 2018, with no increase in rates from the previous year. The requested amount is based on anticipated projects during the current term.)
21. RESOLUTION approving Change No. 3 to Contract No. 11634, Substation Engineering Grounding, with MESA Associates, Incorporated, based on agreed upon rates in the funded amount of \$75,000.00. (This change is to renew the current contract for the third of four annual renewal terms covering the period June 2, 2017 through June 1, 2018. In addition, this renewal reflects an overall average rate increase of 1.55% in accordance with the Employment Cost Index (ECI). This requested amount is based on anticipated projects to be performed during this term.)
22. RESOLUTION awarding purchase orders, for the purchase of precast concrete products for a sixty month period, to Forterra in the amount of \$748,985.55 and Universal Scaffold and Equipment, LLC in the amount of \$3,042,205.49.
23. RESOLUTION awarding a twenty-four month purchase order to CGS, Inc., for gas service risers, in the amount of \$456,660.00.
24. RESOLUTION approving Change No. 1 to Contract No. 11873, Professional Locksmith Services, with Quality Safe & Lock Company, Incorporated, based on agreed upon rates, in the funded amount of \$50,000.00. (This change is to renew the current contract for the

first of four annual renewal terms for the period covering May 14, 2017 through May 13, 2018, with no increase from the previous year.)

25. RESOLUTION approving Change No. 5 to Contract No. 10171, Operating System Recovery Project, with NewEra Software, Incorporated, in the funded amount of \$2,250.00. (This change is to renew the hardware and software maintenance, licenses, and support services for one (1) year in the funded amount of \$2,250.00 covering the period September 1, 2017 through August 31, 2018 with no increase from the previous year. MLGW is requesting continuous maintenance of the acquired system, which can only be performed by NewEra Software, Incorporated.
26. RESOLUTION awarding Contract No. 11922, Corporate Backup Hardware, to Thomas Consultants, Incorporated, in the funded amount of \$548,074.24.
27. RESOLUTION awarding Contract No. 11933, MLGW IVR Replacement, to DiRAD Technologies, in the funded amount of \$1,906,603.01.



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REGULAR AGENDA

28.

Spinosa
Chairman,
Personnel
Committee

APPOINTMENTS

MEMPHIS HOUSING AUTHORITY BOARD

Appointment

Justin Bailey

Reappointment

Laura E. Harris

MEMPHIS TREE BOARD

Reappointments

Jan M. Castillo

Eldra White

GENERAL ORDINANCES – THIRD AND FINAL READING (None)

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION (None)

DIVISION OF FIRE SERVICES

29.

Morgan,
Chairman,
Public Safety
& Homeland
Security

RESOLUTION to allocate \$511,390.00 from Cover Line FS17100 for Fire Station Repair, FY17 Generators at Fire Station #8 at 625 Mississippi Blvd.; Fire Station #16 at 2203 Lamar Ave. and Fire Station #41 at 2161 Ridgeway Rd. Funding for this project will be from CIP Project Number FS17103, which is part of the FY17 Capital Improvement Budget funded by G.O. Bonds General. This resolution is sponsored by Fire Services.

Committee ACTION REQUESTED: Adopt the resolution

30. RESOLUTION to allocate \$547,482.00 from Cover Line FS17100 for Fire Station Repair, FY17 Pavement Improvements at Fire Station #8 at 625 Mississippi Blvd.; Fire Station Morgan, #21 at 550 S. Mendenhall Rd. and Apparatus Maintenance at 354 Adams. Funding for this Chairman, project will be from CIP Project Number FS17104, which is part of the FY17 Capital Public Safety & Homeland Improvement Budget funded by G.O. Bonds General. This resolution is sponsored by Fire Security Committee Services.

ACTION REQUESTED: Adopt the resolution

31. RESOLUTION to appropriate \$9,800,000.00 for Radio System Upgrade, CIP Project Morgan, #PD04025, as part of the Police Division Fiscal Year 2017 CIP budget, funded by G.O. Bonds. This resolution is sponsored by Police Services. Chairman, Public Safety & Homeland Security Committee

ACTION REQUESTED: Adopt the resolution

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

32. RESOLUTION accepting the grant renewal and the amendment of the FY2017 Operating Brown Budget revenue and expenditures for this Continuum of Care program in the amount of Chairman, \$124,709.00. This resolution is sponsored by Housing and Community Development. Housing & Community Development Committee

ACTION REQUESTED: Adopt the resolution

33. RESOLUTION authorizing the Division of Housing and Community Development to Brown award \$120,000.00 in FY2017 City Operating funding to designated 501(c)3 organizations for the purpose of community development, community initiatives, and business/economic Housing & Community Development Committee development activities. This resolution is sponsored by Housing and Community Development.

ACTION REQUESTED: Adopt the resolution

34. RESOLUTION accepting the grant renewal and the amendment of the FY2017 Operating Brown Budget revenues and expenditures for this Continuum of Care program in the amount of Chairman, \$211,630.00. This resolution is sponsored by Housing and Community Development. Housing & Community Development Committee

ACTION REQUESTED: Adopt the resolution

35. RESOLUTION appropriating the sum of \$200,000.00 funded by G.O. Bonds General Brown chargeable to the FY2017 Capital Improvement Budget for the Memphis Heritage Trial Chairman, Project. This resolution is sponsored by Housing and Community Development. Housing &

Community
Development
Committee

ACTION REQUESTED: Adopt the resolution

DIVISION OF HUMAN RESOURCES

36. RESOLUTION to Designate the Talent Management Officer as an Appointed Position
Spinosa Exempt from Civil Service and remove the Benefits Officer as an Appointed Position.
Chairman, This resolution is sponsored by Human Resources.
Personnel
Committee

ACTION REQUESTED: Adopt the resolution

INFORMATION SERVICES (None)

LAW DIVISION (None)

MLGW DIVISION (None)

DIVISION OF PARKS AND NEIGHBORHOODS (None)

DIVISION OF POLICE SERVICES (None)

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS

37. RESOLUTION supporting Memphis Veterinary Specialists, LLC's the opportunity to
Hedgepeth purchase 0 Autumn Avenue further described as Parcel #037039 00017, for \$500.00.
Chairman, Memphis Veterinary Specialists, LLC is an adjoining property owner. This resolution is
Public Works, sponsored by Real Estate. (Held from 4/25).
Transportation
& General
Services
Committee

ACTION REQUESTED: Adopt the resolution

38. RESOLUTION to increase the Additional Treatment Charge (ATC) for wastewater
Ford generated by industry and treated at the City of Memphis facilities. This resolution is
Chairman, sponsored by Public Works.
Budget
Committee

ACTION REQUESTED: Adopt the resolution

39. RESOLUTION transferring and appropriating construction funds in the amount of
Ford \$500,500.00 to rehabilitate a sanitary sewer lift station with the restoration of existing
Chairman, pumps, valves, wet welling cleaning, and certain other appurtenances at the Wilson Street
Budget Lift Station located at 1043 Wilson Street. This resolution is sponsored by Public Works.
Committee

ACTION REQUESTED: Adopt the resolution

40.
Hedgepeth
Chairman,
Public Works,
Transportation
& General
Services
Committee

RESOLUTION to transfer \$59,800.00 from A/E to Construction for PW01240 STP Group 4 for Resurfacing Construction Contract #33101 with Lehman Roberts Company. This resolution is sponsored by Public Works.

ACTION REQUESTED: Adopt the resolution

GENERAL ITEM (None)

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ONS

41. Morgan
Chairman,
Public Safety
& Homeland
Security
Committee
- RESOLUTION accepting (2) MPD RTCC cameras, compatible with existing MPD equipment, to be installed on Waynoka near Holmes and Waynoka near Highland at the request of the residents of Waynoka Avenue and Trezevant Manor, who gave the necessary funds. The items are being donated by the Memphis/Shelby County Law Enforcement Foundation. The cumulative total donation is \$28,250.00. This resolution is sponsored by Police Services.

ACTION REQUESTED: Adopt the resolution

42. Morgan
Chairman,
Public Safety
& Homeland
Security
Committee
Fiscal Consent
- RESOLUTION accepting (2) license plate readers, compatible with existing MPD equipment, to be installed in the Kirby Woods Neighborhood at the request of the residents of Kirby Woods's residents, who gave the necessary funds. The items are being donated by the Memphis/Shelby County Law Enforcement Foundation. The cumulative total donation is \$12,190.32. This resolution is sponsored by Police Services.

ACTION REQUESTED: Adopt the resolution

43. Robinson
Chairman,
Memphis
Light, Gas
& Water
Committee
- RESOLUTION authorizing final payment of FY2017 Tax Equivalent Payment from MLGW's Electric System and Total Distribution of FY2017 Tax Equivalent Payment to taxing jurisdictions in Shelby County, Tennessee. This resolution is sponsored by MLG&W Division.

ACTION REQUESTED: Adopt the resolution

44. Robinson
Chairman,
Memphis
Light, Gas
& Water
Committee
- RESOLUTION authorizing final payment of FY2017 Tax Equivalent Payment from MLG&W's Gas System and Total Distribution of FY2017 Tax Equivalent Payment to taxing jurisdictions in Shelby County, Tennessee. This resolution is sponsored by MLG&W Division.

ACTION REQUESTED: Adopt the resolution

45. Colvett
Chairman,
Planning
& Zoning
Committee
- RESOLUTION authorizing an evidentiary hearing for the purpose of considering revocation of SUP 16-34 (2166 Central, LLC). This resolution is sponsored by Councilman Colvett.

ACTION REQUESTED: Adopt the resolution

46. Boyd
Chairman,
- ORDINANCE** to amend Chapter 25, Code of Ordinances, City of Memphis, so as to amend Section 25-200 of the 1978 Plan to add subparagraph (1) to allow for limited suspension of the DROP Program by qualifying participants and to add subparagraph (J)

ADD-ONS CONT.

Executive to allow an extension of the DROP suspension period for qualifying participants, up for
Session F I R S T reading. Ordinance No. 5652 is sponsored by the Human Resource Division

ACTION REQUESTED: Adopt the ordinance on First reading

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Through 3 – Approved
4. & 5 – Held until May 23, 2017
6. Through 36 – Approved
37. Held until May 23, 2017
38. Withdrawn
39. Through 46 – Approved

ACTION TAKEN BY COUNCIL ON THE MINUTES OF APRIL 25, 2017 MEETING

Approved

ACTION TAKEN BY COUNCIL ON THE MINUTES OF ITEMS #32, #33, #34, #35, #41, #42, #43, #44 & #45 FROM TONIGHT'S MEETING

Approved